



Belgium

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 4, 2002

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Belgium is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The Government respects the constitutional provisions for an independent judiciary in practice.

The Government maintains effective control of all security forces. In a sweeping reorganization carried out during the year, the former Police Judiciare and the Gendarmerie merged at the federal level to form a new federal police force responsible for internal security and nationwide law and order issues. Local Gendarmeries merged with local police forces and operate as local branches of the federal police in all 196 police districts.

The country, which has a population of approximately 10 million, is highly industrialized, with a vigorous private sector and limited government participation in industry. The primary exports are machinery and equipment. The 2000 estimated GDP was \$230 billion. The economy provides a high standard of living for most citizens.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Trafficking in women and children and violence against women remained problems, and the Government took steps to combat them.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In December police arrested former Socialist Party Minister Alain Van der Biest and eight other persons in connection with the killing of Socialist Party leader Andre Cools in 1991.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and in general government officials did not employ them; however, there were reports that authorities mistreated some foreign nationals during their detention and deportation (see Section 2.d.).

In addition to the integration of the police forces, on January 1 the Federal Police Council, an oversight unit, and an anticorruption unit began operations.

A delegation from the Council of Europe's Committee for the Prevention of Torture carried out one of its periodic visits to the country in November and December. The Committee's report had not been released by year's end.

Prison conditions vary: Newer prisons generally meet international standards, while some older facilities nearly meet international standards despite their Spartan physical conditions and limited resources. Overcrowding is a problem: In August the prison system, which is designed to hold 7,500 prisoners, held approximately 8,600. Due to the lack of space in specialized centers, juveniles may be held up to 15 days in adult prisons. The Government does not hold convicted criminals and pretrial detainees in separate facilities. Men and women are held separately. Families are allowed to visit prisoners without supervision. Approximately 115 prisoners, nearing the end of their sentences, lived at home under electronic surveillance at year's end. The Government plans to expand the program to 300 prisoners in 2002. The Government permits visits by independent human rights monitors, and such visits took place.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. Arrested persons must be brought before a judge within 24 hours. Pretrial confinement is subject to monthly review by a panel of judges, which may extend pretrial detention based on established criteria (e.g., whether, in the court's view, the arrested person would be likely to commit further crimes or attempt to flee if released). At times lengthy pretrial detention is a problem. Bail exists in principle under the law but is granted rarely. Approximately 40 percent of the prison population consists of pretrial detainees. Pretrial detainees receive different privileges from convicted criminals, such as the right to more frequent family visits. Arrested persons are allowed prompt access to a lawyer of their choosing or, if they cannot afford one, to an attorney appointed by the State.

An indicting court ruled in September that Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey in which a prominent businessman was killed, could be tried for murder under the 1977 European Convention on the Suppression of Terrorism. Lawyers for Erdal argued in court that the Belgian courts had no jurisdiction over the case. Erdal was arrested in Knokke in 1999 and charged with weapons violations. The Government refused the Turkish Government's extradition request in 2000 because of the possibility that Erdal could face the death penalty in Turkey. Erdal sought asylum in Belgium in 2000. After her request was denied, she went on a hunger strike to protest her continued detention. She discontinued her hunger strike in August, 2000, when she was placed under house arrest at an undisclosed location. Erdal remained under house arrest pending trial at year's end.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system is organized according to specialization and territorial jurisdiction, with 5 territorial levels: Canton (225), district (27), provinces and Brussels (11), courts of appeal (5), and the Cour de Cassation, which is the highest appeals court.

Military tribunals try military personnel for common law as well as military crimes. All military tribunals consist of four military officers and a civilian judge. At the appellate level, the civilian judge presides; a military officer presides at trial. The accused has the right of appeal to a higher military court.

Each judicial district has a Labor Court, which deals with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There is also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

The law provides for the right to a fair trial, and an independent judiciary generally enforces this right. Charges are stated clearly and formally, and there is a presumption of innocence. All defendants have the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

In June Parliament passed legislation creating a federal prosecutor's office. The new office was to be phased in gradually and will be responsible for prosecuting crimes against the security of the state, and for crimes involving nuclear material, human trafficking, arms trafficking, human rights violations, and terrorism. Such

crimes previously fell under the less coordinated jurisdiction of several different national prosecuting magistrates.

As part of an ongoing program of judicial reform, the Government's summary trial act became effective in 2000. This act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of allegedly committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. The first conviction under this act, against a British citizen accused of hooliganism during the Euro 2000 soccer championship, was upheld in April by the appellate court. Defense attorneys challenged the summary trial procedures in May before the cour de cassation. Several human rights organizations claim that summary trial violates the presumption of innocence and jeopardizes the right to a full and fair defense. The Justice Minister announced plans early in the year to reform the summary trial procedure. This procedure, which magistrates rarely applied during the year, was used in less than 50 cases.

A High Council on Justice supervises the appointment and promotion of magistrates. The Council serves as a permanent monitoring board for the entire judicial system and is empowered to hear complaints against individual magistrates.

Following a 1998 review of the judicial system, the Government implemented several reforms that granted stronger rights to victims of crime. These measures allow victims to have more access to information during an investigation, as well as the right to appeal if an investigation does not result in a decision to bring charges. As part of its program of judicial reform, the Government undertook to open "justice houses" in each of the 27 judicial districts. These facilities combine a variety of legal services under one roof, including legal aid, mediation, and victim's assistance. As of September, 21 of the proposed justice houses had opened.

In 1999 Parliament enacted legislation that further defines crimes against humanity, war crimes, and genocide and also imposes penalties for such crimes. The law provides that Belgian courts have jurisdiction over such crimes no matter where they were committed, and it does not grant immunity to heads of state or government. As a result of the new law, commonly known as the law on universal jurisdiction, the courts have become a forum for third party efforts to try alleged human rights violations by high-profile participants in past and present conflicts in Central Africa, the Middle East, and South America. On June 8, a Brussels court rendered guilty verdicts against four Rwandans charged with genocide in Rwanda in 1994. The four sought refuge in Belgium shortly after the genocide; many of their accusers lived in Belgium. The four were sentenced to 12 to 20 years' imprisonment in Belgian prisons. The trial represents the first time a foreign citizen was convicted in a Belgian national court for crimes against humanity committed in a foreign country.

In June, citing the law on universal jurisdiction, two groups of Palestinians and Lebanese in Brussels filed complaints against Israeli Prime Minister Ariel Sharon and others for their alleged roles in mass killings in the Lebanese refugee camps of Sabra and Shatila in 1982, when Sharon was defense minister. A prosecutorial review of the legal case was suspended in September pending a ruling by relevant legal authorities on the jurisdiction of Belgian courts in the cases.

Similar complaints alleging crimes against humanity were filed during the year against seven other heads of state or government. By year's end, no action had been taken on these complaints. The Democratic Republic of Congo challenged the law on universal jurisdiction in 2000 at the International Court of Justice, arguing that the law violates the principle of sovereign immunity. A ruling was expected in 2002.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respects this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press. There are restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

The Government operates several radio and television networks but does not control editorial content; boards of directors that represent the main political parties in Parliament, and linguistic communities supervise programs. Private radio and television stations operate with government licenses. Almost all homes have access by cable to television from other Western European countries and elsewhere. Satellite services also are available.

The Government generally does not restrict Internet access.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

Citizens are free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The law accords "recognized" status to Roman Catholicism, Protestantism, Judaism, Anglicanism, Islam, and Greek and Russian Orthodox, and these religions receive subsidies from government revenues. The Government also supports the freedom to participate in nonconfessional philosophical organizations (laics). Laics serve as a seventh recognized "religious" group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, receives funds and benefits similar to those of the six recognized religions.

By law each recognized religion has the right to provide teachers at government expense for religious instruction in schools. For recognized religions, the Government pays the salaries, lodging, and retirement expenses of ministers and also subsidizes the construction and renovation of church buildings. During the year, the Muslim executive Council applied for the first time for subsidies, and the Government announced in April that in 2002 it will recognize 75 mosques and pay salaries to imams assigned to these mosques.

The lack of independent recognized status generally does not prevent religious groups from freely practicing their religions. Nonrecognized groups do not qualify for government subsidies but can qualify for tax-exempt status as nonprofit organizations.

Some recognized religions complained of incidents of religious discrimination. The Muslim Executive Council reported that women and girls wearing traditional dress or headscarves in some cases face discrimination in employment and public and private school admissions even though the law does not prohibit such dress. The Court of Cassation, the nation's highest court, ruled in January that municipal authorities may not deny an identification card to a woman wearing a headscarf.

In February the Church of Scientology took legal action to force the return of documents seized in a 1999 police raid of church facilities and the homes and businesses of about 20 members. The Church of Scientology also filed a complaint asserting that the Prosecutor's Office provided prejudicial statements to the press in violation of the country's secrecy laws regarding investigations. A second, smaller raid on the Church of Scientology's Brussels headquarters took place on February 8 at which time additional documents were seized. Most of the seized computer equipment was returned to the Church, but the documents from both raids still were being held by the investigating magistrate at year's end. In March the Church filed a complaint against the Government with the U.N. Special Rapporteur on Religious Intolerance. No arrests were made or charges filed against church members as a result of the original raid.

In April 2000, authorities began refusing to issue visas to missionaries of the Church of Jesus Christ of Latter-Day Saints (Mormons) to enter the country for missionary work. Similar visas were issued for decades without problems. In July 2000, the Ministry of Interior instituted temporary procedures designed to ensure the issuance of visas to the missionaries and undertook to establish new permanent procedures by October 2000. At year's end, visas were being issued regularly, but the Government had not devised new permanent procedures.

In 1998 Parliament adopted recommendations from a 1997 commission's report on government policy toward

sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as "dangerous," the list quickly became known in the press and to the public as the "dangerous sects" list. This list was not part of the report approved by Parliament.

Some groups included in the parliamentary list of 189 sects continued to complain that their inclusion has resulted in discriminatory action against them. For example, in March Jehovah's Witnesses--not an officially recognized religion--received a letter from the Brussels Exhibition Center notifying them that they could not use its facilities for their April convention. The group had held its annual convention at the Exhibition Center since 1968. The rejection letter specifically mentioned the appearance of Jehovah's Witnesses on the parliamentary list of 189 sects as the reason for the refusal. In November a similar incident occurred when the Church of Scientology was informed on the morning of the scheduled day that it could not use the International Press Center to announce its suit against the Commission's dangerous sect list. A representative of the center reportedly cited the presence of the Church of Scientology on the commission's list as a reason for the cancellation. However, in a subsequent review of the refusal, the Center decided that in the future the Church of Scientology could use the facilities.

One of the primary recommendations of the parliamentary report was the creation of a government-sponsored Center for Information and Advice on Harmful Sectarian Organizations. The center began limited operations in 1999 and was fully operational and open to the public at the beginning of the year. The Government tasks the center with collecting publicly available information on a wide range of religious and philosophical groups and providing information and advice to the public regarding the legal rights of freedom of association, privacy, and freedom of religion. The center is authorized to share with the public any information it collects on religious sects but, despite its name, the regulations prohibit it from categorizing any particular group as harmful.

In late fall the center released its first report, covering the period from 1999 to 2000. The report reviewed the laws creating the center, meetings in which the center participated, and projects of the center. It identified two responses rendered by the center to specific government requests: First, it issued a "favorable" opinion of the European Center for Research and Information on Sectarianism in response to an inquiry from the Foreign Ministry; and, second, it issued a "favorable" opinion of the Mormon Church in response to an inquiry from the Ministry of the Interior. The report also recommended that the Ministry of Justice adopt a law to prohibit the abuse of a situation of "weakness."

An interagency coordination group designed to work in conjunction with the center to coordinate government policy meets bimonthly to exchange information on sect activities. The Government also has designated a national magistrate and one magistrate in each of the 27 judicial districts to monitor cases involving sects. Some courts in the Flanders region continued to stipulate, in the context of child custody proceedings and as a condition of granting visitation rights, that a noncustodial parent who is a member of Jehovah's Witnesses may not expose his or her children to the teachings or lifestyle of that religious group during visits. These courts have claimed that such exposure would be harmful to the child; however, other courts have not imposed this restriction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice.

In 2000 the Government began a "regularization" program for three categories of undocumented aliens: Those who had applied for asylum at least 4 years earlier and had received no answer or a negative answer; those whose medical condition made a return to their country of origin inadvisable; and those who could not return to their country of origin for political reasons. Undocumented aliens who could demonstrate evidence of a lasting integration into their community also were allowed to apply. Successful applicants were to be granted legal residence status. During the application period, the Government received 32,662 applications representing 50,600 individuals. Human rights groups criticized both the border controls that were imposed during the application period to prevent undocumented aliens living in other countries from applying and the slow pace of the approval process. At year's end, the Ministry of the Interior reported that, of the 32,662 applications, it had made positive determinations in 22,873 cases, made negative decisions in 5,013 cases, and the remainder were pending. Those denied were ordered to leave the country. Human rights organizations unsuccessfully sought financial aid for the applicants awaiting a determination.

Also in 2000, Parliament amended the nationality code to facilitate the acquisition of Belgian citizenship. Under the terms of the amended code, foreigners can apply for naturalization after living legally in the country for 3

years. Stateless persons and refugees can apply after 2 years. Moreover foreigners who have maintained their residence in the country for 7 years may acquire citizenship simply by declaring their intent to their local municipal authorities. Adult foreigners living outside the country may declare their Belgian nationality as soon as one parent legally has acquired it.

The law includes provisions for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum. The number of asylum applications dropped significantly during the first half of the year. Authorities believe the decrease was due to more stability in the Balkans and a change in government policy to provide in-kind assistance rather than direct assistance. The Government reported that it received 18,871 new asylum applications in the first 10 months of the year, compared with 42,691 during 2000. Of the 18,871, the Government refused 16,591; 2,280 remained under review. Normally only about 10 percent of applications are approved.

In response to complaints about slow processing time and the large backlog of asylum applications, the Government adopted a "last in, first out" policy in processing new applications. This policy is intended to reduce processing time for applicants. The backlog nevertheless remained at about 40,000 cases during the year.

The Government, in partnership with the International Organization for Migration (IOM), provides relocation assistance to unsuccessful asylum applicants who agree to repatriate voluntarily to their country of origin. Unsuccessful applicants who do not leave voluntarily are subject to deportation. During the first 10 months of the year, approximately 11,500 asylum seekers left the country; approximately 3,000 left voluntarily, 4,200 were repatriated, and 4,300 were expelled.

Undocumented asylum seekers arriving by air, whose claims do not appear legitimate as determined by immigration officials, are not allowed to enter but are held in a closed detention center at the airport often for as long as 5 months while awaiting deportation or voluntary repatriation. The children of such asylum seekers do not attend school. Those applicants whose claims appear to be legitimate are released to a system of 27 asylum centers for shelter and assistance. These centers have a total capacity of 5,000 beds. The centers, funded mainly by the Government and the Belgian Red Cross, have been overtaxed by the large backlog of asylum seekers, and the Government has solicited assistance from municipalities to handle the overflow.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections is compulsory, and failure to vote is subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operate freely.

The Federal Government is responsible for security, justice, social security, and fiscal and monetary policy. The regional governments are charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German engenders significant complexities for the state. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group.

The law prohibits federal funding for political parties that espouse discrimination. In June the Brussels prosecutor charged three nonprofit organizations linked to the Vlaams Blok party with violations of the law. The district court held that it was not competent to hear the case. The prosecutor and the Center for Equal Opportunities and Opposition to Racism, an autonomous governmental entity, appealed the decision, but the appellate court took no action by year's end.

The percentage of women in government or politics does not correspond to their percentage of the population, but some women hold senior positions. Of 17 federal ministers, 4 are female. In the Federal Parliament, 36 of 150 Chamber of Representatives members and 21 of 71 Senators are female. In March the Senate passed a proposed amendment to the Constitution that would provide for the presence of both genders in the federal, regional, provincial, and local governments. By year's end, the proposed amendment remained under

consideration by the Chamber of Representatives. Federal law requires that at least one-third of the candidates in each national and each local election be female.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government enforces antidiscrimination law. In March the Senate passed a proposed constitutional amendment that states more clearly the equality of men and women; the proposed amendment was pending in the Chamber of Representatives at year's end. With Dutch, French, and German as official languages, the country has a complex linguistic regime, including language requirements for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights (see Section 3).

Women

Violence against women was a problem. A 1998 study commissioned by the Ministry of Employment and Labor (which is also responsible for equality issues) reported that 16.8 percent of women acknowledged suffering from repeated domestic physical or sexual violence at some point in their lives. The law defines and criminalizes domestic violence, with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. A 1999 law allows police to enter a home without the consent of the head of household when investigating a domestic violence complaint. According to its proponents, the police do not use the law enough. By year's end, the Government had not implemented other provisions of the law that require it to establish and maintain a database of accurate statistics on domestic violence.

A number of government-supported shelters and telephone help lines are available throughout the country. In addition to providing shelter and advice, many offer assistance on legal matters, job placement, and psychological counseling for both partners. Approximately 80 percent of these organizations' budgets are provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. A 1995 law defined and criminalized trafficking in persons; however trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. Victims of sexual harassment have the right to sue their harassers under existing law, and according to the law, sexual harassment can be a form of sexual discrimination. The act outlaws discrimination in hiring, working conditions, promotion, wages, and contract termination. Despite these laws, most cases of sexual harassment are resolved informally. A study by the Ministry of Defense in October 2000 found that 54 percent of women in the armed forces had been subjected to abusive language, 36 percent had experienced unwelcome physical contact, and 4.6 percent reported being the victim of sexual harassment involving physical violence.

The equal treatment of men and women is provided for in the Constitution, federal law, and treaties incorporated into law. The Government actively promotes a comprehensive approach to the integration of women at all levels of decisionmaking. The Division of Equal Opportunity, a part of the Ministry of Labor, focuses specifically on issues affecting women, including violence against women, sexual harassment, and the participation of women in the political process. The net average salary for a woman is 84 percent of the national net average salary. In 1996, the last year for which comparative statistics are available, women in blue-collar jobs earned 79 percent of the salary of their male counterparts. The average salary for women in white-collar jobs was 70 percent of the salary of their male counterparts.

Children

The Government is strongly committed to children's rights and welfare; it amply funds a system of public education and health care. It provides free compulsory education from ages 6 to 18. The Francophone and Flemish communities have agencies specifically dealing with children's needs.

In March 2000, Parliament amended the Constitution to include an article on children's rights. The new article provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. There are comprehensive child protection laws. Children have the right to a voice in court cases that affect them, such as divorce proceedings. The law states that a minor "capable of understanding" can request permission to be heard by a judge, or that a judge can request an interview with a child. The law is designed to combat child pornography by the use of severe penalties for such crimes and for those in possession of pedophilic materials. The law permits the prosecution of Belgian residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. A Senate report in July indicated that not all courts apply the laws equally; the differences are attributed to inconsistent prosecutorial efforts. On April 1, a new youth protection act came into force to provide better protection against sexual exploitation, abduction, and trafficking.

There is no societal pattern of abuse directed against children.

Child prostitution is a problem but is not widespread. Belgium is both a transit point and a destination for trafficking in children (see Section 6.f.).

Government and private groups provide shelters for runaways and counseling for children who were abused physically or sexually. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 2,065 cases in 2000 and 1,503 cases in 1999. Nearly 48 percent of the reported cases concerned runaways, and 27 percent involved abduction by parents. Approximately 8 percent were pedophilia cases. Child Focus also reported that in the first half of the year, it handled 641 runaway cases, compared with 527 for the same period in 2000. Of such cases, 70 percent involved girls, most between the ages of 13 and 17.

Persons with Disabilities

The law provides for the protection of persons with disabilities from discrimination in employment, education, and in the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandates that public buildings erected since 1970 be accessible to such persons and offers subsidies to encourage the owners of other buildings to make necessary modifications. However, many older buildings are not accessible.

The Government provides financial assistance for persons with disabilities. It gives special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provide other assistance, such as job training. Persons with disabilities are eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just their region of residence.

Religious Minorities

There are generally amicable relations among different religious groups in society; however, several religious groups complain of societal discrimination, particularly groups that have not been accorded official "recognized" status by the Government and those associated primarily with immigrant communities.

National/Racial/Ethnic Minorities

Belgium is a pluralistic society in which individual differences in general are respected, and linguistic rights in particular generally are protected. Approximately 60 percent of citizens are native Dutch speakers, 40 percent are French speakers, and less than 1 percent are German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors and for employers to consider these factors in their decisions to hire, train, or dismiss workers.

In 1999 the Government-sponsored Center for Equal Opportunity and the Fight Against Racism, which is tasked with investigating complaints of discrimination based on race, handled 919 complaints, 18 of which led to court action. In its 2000 report, the center drew attention to discrimination against non-Belgians in certain categories of public service jobs. The report also referred to a study on behalf of the International Labor Organization (ILO), which revealed persistent discrimination against immigrants in private sector employment. However, the center reported that it found very little discrimination in eligibility for, and the payment of, social security benefits. In 2000 the Government expanded the mandate of the center to fight discrimination on the basis of gender, sexual orientation, birth, civil status, ill health, age, and disability.

Section 6 Worker Rights

a. The Right of Association

Under the Constitution, workers have the right to associate freely, which includes the freedom to organize and join unions of their own choosing. The Government does not limit such activities, and workers fully and freely exercise their right of association. Approximately 60 percent of employed and unemployed workers are members of labor unions. Unions are independent of the Government but have important links with major political parties. The Government does not require unions to register.

In its 1999 report, the ILO's Committee of Experts on the Application of Conventions and Recommendations reiterated its criticism that the Government should adopt legislation establishing "objective, predetermined, and detailed criteria" to enable employers' organizations and trade unions to have access to the National Labor Council. Because of restrictive interpretation of the legislation in force, only the Christian, Socialist, and Liberal trade union confederations have access to the National Labor Council. The Government has taken no action on the issue.

Organized workers, including civil servants, have the right to strike; however, members of the merchant marine, the military, and magistrates do not. The federal and local police forces have the right to strike; however, the Government can order necessary personnel back to work to maintain law and order. Even though many strikes begin as wildcat actions, strikers are not prosecuted for failure to observe strike procedures in collective bargaining agreements. Crimes committed during a strike action, such as causing bodily harm or damage to property, are clearly illegal strike methods, which the authorities prosecute. The size and frequency of strikes increased over those held in 2000. The most prominent strikes during the year concerned collective bargaining for postal workers and education workers and the demise of the national airline, Sabena.

A 2000 report published by the International Confederation of Free Trade Unions (ICFTU) stated that for several years employers made applications to civil courts to end strikes. The ICFTU report added that civil court judges often ruled in the employers' favor without giving a hearing to the unions, tending to end strikes under the threat of massive fines and prohibit picketing. Under the law, unions are subject to third-party lawsuits for damages suffered due to strikes.

Unions are free to form or join federations or confederations and are free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. Employers and unions reached a nationwide collective bargaining agreement in the fall of 2000 that put into effect a wage cost rise of 6.4 percent for the 2001-02 period. The agreement calls for a 38-hour workweek as of 2003, and provides that private sector workers are entitled to a 1-year career interruption for family-related reasons. The agreement also provides extended leaves of absence for parental reasons.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly has become much more common than reinstatement. Effective mechanisms such as labor courts in each district exist for the adjudication of disputes between labor and management (see Section 1.e.).

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, trafficking in women and children is a problem (see Section 6.f.).

The law prohibits forced and bonded labor by children; however, trafficking in children is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 15. Youths between the ages of 15 and 18 may participate in part-time work/study programs and may work full time during school vacations. The labor courts effectively monitor compliance with national laws and standards. There are no industries where any significant child labor exists.

The Government prohibits forced and bonded child labor; however, trafficking in children is a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The monthly national minimum wage for workers over 21 years of age is approximately \$1,050 (47,250 Belgian francs): 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent. The national minimum wage, coupled with extensive social benefits, provides a decent standard of living for a worker and family. Minimum wages in the private sector are set in biennial, nationwide collective bargaining meetings (see Section 6.b.), which lead to formal agreements signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. By law the standard workweek cannot exceed 39 hours, and work on Sundays is prohibited. Many collective bargaining agreements set standard workweeks of 35 to 38 hours. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 40th to the 50th hour per week is considered allowable overtime. Longer workdays are permitted only if agreed upon in a collective bargaining agreement. These laws and regulations are enforced effectively by the Ministry of Labor and the labor courts.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplement these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implements health and safety legislation through a team of inspectors and determines whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitor compliance with national health and safety laws and standards.

f. Trafficking in Persons

The law defines and criminalizes trafficking in persons; however, the country is both a transit point and destination for trafficking in women and children. Since 1994 the majority of cases have involved victims of either sexual or economic exploitation from sub-Saharan Africa (especially Nigeria), Central and Eastern Europe, and Asia (especially China). The victims of sexual exploitation increasingly are women under age 18. For example, authorities reported that through November, 870 minor refugees (362 unaccompanied) attempted to depart for the United Kingdom through Zeebrugge Port. Nigerian and Albanian victims usually are young women between the ages of 21 and 30 trafficked for prostitution. Chinese victims often are young men trafficked for manual labor in restaurants and sweatshops. There also are persistent reports that teenage boys, some as young as 12 or 13 years, were being brought into the country from West Africa and Latin America with false documents by soccer agents for tryouts with local clubs. Boys who failed to gain a contract sometimes were abandoned by their agents and ended up on the streets.

The overall number of reported trafficked persons may be increasing. The three regional shelters report that they assisted 230 new victims in 2000, compared with 175 in 1999. The annual report of the Center for Equal Opportunities and the Fight Against Racism for the year 2000 focused on Albanian criminal organizations operating in Belgium and their involvement in trafficking and prostitution, among other crimes. The Center also noted that Chinese traffickers were increasingly active in sending victims through the country.

In December Irish authorities discovered eight illegal Turkish immigrants dead in a truck container carrying office furniture. Five others survived. The container was loaded in Italy, shipped by rail to Germany, trucked through Belgium, and loaded onto a ferry at the Belgian port of Zeebrugge bound for Waterford, Ireland. It was unclear if the eight Turks were victims of trafficking. A Belgian driver was arrested shortly after the discovery; at year's end, the case against him remained pending.

In 1996 the authorities uncovered a suspected pedophile/child pornography and trafficking ring. Five suspects remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested in 1996 and charged with murder. In December 2000, the Government announced that Dutroux's trial on the

pedophile/child pornography and trafficking charges would begin in September 2002. Dutroux, a previously convicted child sex offender, remained in prison at the year's end serving a 5-year sentence for theft and assault. Lengthy delays in bringing the pedophile and trafficking case against Dutroux to trial have led to widespread public cynicism and suspicion about the investigation of the case in particular and the judicial system in general.

An interdepartmental committee provides coordination and communication between the various agencies and ministries involved in combating trafficking. This committee meets several times a year under the auspices of the Center for Equal Opportunity and the Fight Against Racism. A magistrate is designated in each judicial district to supervise cases involving trafficking in persons. A national magistrate is in charge of coordinating the various antitrafficking initiatives. In June Parliament passed legislation that created a federal prosecutor's office, which will be responsible for prosecuting major crimes including trafficking (see Section 1.e.). Antitrafficking units also have been established in the federal and local police forces. In the 20 months ending in August 1999, the authorities arrested 429 persons under the human trafficking law. Approximately 100 cases resulted in convictions, with sentences averaging from 2 to 6 years' imprisonment and fines of \$2,200 to \$10,000 (100,000 to 450,000 Belgian francs). However, at least some of the convictions were related only indirectly to trafficking. In March 2000, French and Belgian police dismantled an international trafficking ring organized in Paris and run from Brussels that trafficked primarily Bulgarian women. There have been isolated reports that individual government employees have accepted bribes to assist trafficking groups. Relevant police agencies and magistrates investigate these cases, and legal action has been taken against such officials who abuse their authority to help traffickers.

Under the law, victims of trafficking who provide evidence against the trafficker are granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGO's). In each of the three regions in the country (Wallonia, Flanders, and Brussels), the Government has designated, and subsidizes, a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally are granted permanent residence status and unrestricted work permits. The rights of victims are respected in practice, and they are not treated as criminals. The Center for Equal Opportunity and the Fight Against Racism reported that shelters assisted 230 persons in 2000, primarily victims of sexual exploitation.

The Ministries of Interior and Foreign Affairs have worked closely together to assign antitrafficking liaison officers to Belgian embassies in countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of Congo, Guinea, Kazakhstan, and Ukraine. These officers gather information about local conditions and trafficking trends and assist in establishing antitrafficking information campaigns tailored for the local population. In May Belgian authorities temporarily suspended visa processing for Russian citizens, stating that the denials were a result of the Russian authorities' reluctance to cooperate in fighting human trafficking.

The Government has worked closely with the IOM to develop programs to combat human trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they have returned home. The Government works closely with and supports NGO's that combat trafficking.